

REMARKS

In response to the Office Action dated March 4, 2009, Applicant respectfully requests reconsideration.

Claims 1-21 have been examined. By this submission, Applicant is cancelling claims 14, 20, and 21; amending claims 1-13 and 15-19 and adding claims 22 -24 . As a result, claims 1-13,15 -19 and 22 - 24 remain in the application. Applicant respectfully submits that no new matter has been added.

Priority Under 35 U.S.C. § 119

Applicant respectfully requests the Examiner to acknowledge Applicant's claim for foreign priority under 35 U.S.C. § 119. This application is a National Stage Application filed under 35 U.S.C. § 371.

Rejections Under 35 U.S.C. § 112

Claims 3, 5, 7, 12, 14, 16, 20, and 21 stand rejected under 35 U.S.C. § 112, second paragraph. Applicant has cancelled claims 14, 20 and 21 and has amended the remaining claims that stand rejected under Section 112. Applicant respectfully submits that the claims are now in compliance with Section 112 and that no new matter has been added by the amendments to the claims.

Specifically, with respect to claims 3, 5, 7, 12 and 16, the various grammatical and idiomatic errors have been corrected. Further, the term "clear" in claim 7 has been removed as has the relative term "substantially" in claim 16. Finally, the lack of antecedent basis in claim 12 identified by the Examiner has been corrected.

In the Claims

Applicant has amended the claims to better define that which the Applicant believes is the invention. Applicant respectfully submits that no new matter has been added. Support for the amendments to the claims is found in the specification at least at page 4, lines 13-23, with respect to "means for integrally attaching said coupling means on said at least one end face," as recited in claim 1, as amended. Further, with respect to an

intersecting plane (H), as recited in, for example, claims 3, 5, 7, 12 and 16, as amended, support is found in the specification at least at page 4, line 27-page 5, line 13; and Figure 2. Applicant submits that support for new claims 22-24 is found at least at page 4, lines 16-20 of the originally filed specification.

Rejections Under 35 U.S.C. § 102

Claims 1-15 and 16-21 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by Ledingham, U.S. Patent 6,579,032. Applicant respectfully traverses.

Applicant submits that Ledingham does not anticipate that which is recited in independent claim 1, as amended, for at least the reason that Ledingham does not disclose a girder for a scaffold, where the girder comprises at least one end face with “a coupling element integrally attached on said at least one end face, said coupling element configured to detachably couple to a smooth tube part of a scaffold upright,” as recited in claim 1, as amended.

Ledingham is directed to a low profile rod clamp that comprises two halves having semi-circular channels for receiving a support rod. (Abstract). Ledingham discloses that a rod clamp 30 is used to connect vertical and horizontal support rods 24, 26 as shown in Ledingham Figures 2-4. (Column 3, lines 31-33). As Ledingham discloses, once the rods 24, 26 are positioned within a respective channel 36 of the clamp 30, the assembly is bolted together to hold the rods in place. (Column 4, lines 20-28). Thus, according to Ledingham, the clamp 30 keeps the rods 24, 26 in position and, if necessary, the rods 24, 26 may be repositioned by loosening the nuts and bolts holding the clamp 30 in place. (Column 4, lines 33-38).

In contrast, as recited in claim 1, the coupling element is integrally attached to at least one end face of the girder. As a result, the relationship between the girder and the coupling element is fixed. According to Ledingham, however, the relationship between the rods 24, 26 and the clamp 30 is not fixed.

Applicant submits, therefore, that independent claim 1, as amended, is not anticipated by the Ledingham reference. Further, as claims 2-13, 16-19, and new claims

22-24 depend, either directly or indirectly, from independent claim 1, these claims are also not anticipated by the cited reference.

Rejections Under 35 U.S.C. § 103

Claim 15 stands rejected under 35 U.S.C. § 103 as being unpatentable over Ledingham. Applicant respectfully traverses.

Independent claim 15, as amended, is directed to a method for building a scaffold comprising uprights and girders with each of the girders "comprising first and second end faces." Further, at said end faces, "the girders are integrally attached to a coupling element configured to detachably couple to a smooth tube part of a scaffold upright."

Similar to the reasons submitted above with respect to independent claim 1, Applicant submits that claim 15, as amended, is not rendered obvious by Ledingham for at least the reason that Ledingham does not teach a method for building a scaffold with girders that have coupling elements integrally attached to end faces of the girders. As above, Ledingham teaches that the hinge is not integrally coupled to the rods 24, 26. As a result, Applicant submits that independent claim 15 is allowable over the cited reference.

Further, Applicant submits that there is no teaching or suggestion in Ledingham for providing the clamp 30 as a permanent or non-detachable part of either of the rods 24, 26. As Ledingham teaches, the clamp 30 can be loosened, or totally detached, in order to adjust the relative position of the rods 24, 26. One of ordinary skill in the art would not modify the teachings of Ledingham, with respect to the clamp 30, to be a permanent part of a rod 24, 26 as doing so would defeat a significant advantage of the clamp 30, i.e., the ability to adjust the relative positions of the coupled rods 24, 26 with respect to the clamp 30.

In view of the foregoing, Applicant believes the pending claims are in condition for allowance and a notice to this effect is earnestly solicited. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees due to this submission under 37 C.F.R. §§ 1.16 and 1.17, or credit any balance, to Deposit Account No. 23-0804.

Respectfully submitted,

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